IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.3606 OF 1997

Rajendra Eknath Kante & Anr. .. Petitioners.

Vs

Dairy Development Commissioner,
Maharashtra State,
and Others. .. Respondents

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Ms A.S.Prabhu i/by Shri N.V.Bandiwadekar for the petitioners.

Shri S.K.Chincholikar, AGP for the respondent Nos.1 and 2.

None for the respondent Nos.3 to 23.

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CORAM : R.M.S.KHANDEPARKAR &
SMT.R.S.DALVI, JJ.

DATED : 24Th MARCH, 2006

P.C.

1. Heard the learned advocate for the petitioners. Shri Chincholikar, the learned AGP is present for the respondent Nos.1 and 2. None present for the respondent Nos.3 to 23, though served. Perused the records.

2. Undisputedly, the co-worker by name Manohar K.

Chavan was duly promoted pursuant to the order dated 5th March, 1997 passed by the Industrial Court, Mumbai. The learned advocate for the petitioner has restricted the grievance of the petitioners to the extent that inspite of the representation being made by the petitioners, their case has not been considered on par with that of the said co-worker Shri Manohar K. Chavan.

3. On perusal of the order passed by the Industrial Court, Mumbai in case of Shri Chavan, and further due compliance of the said order of the respondent Nos.1 and 2 apparently discloses that there is substance in the grievance of the petitioners. There is no justification for discreminatory treatment to the petitioners, in comparison to the one given to Shri Chavan. Irrespective of the fact that earlier representation of the petitioners was not considered, suffice to observe that the respondents shall consider the case of the petitioners for promotion on par with that of Manohar K. Chavan as early as possible, and in any case within a period of six months from this date. Apart from issuing the above directions, no interference is called for in the order passed by the Administrative Tribunal.

4. The petition therefore, is accordingly disposed of while directing the respondent Nos.1 and 2 to consider the case of the petitioners for promotion on par with that of Shri Manohar K. Chavan whose case was dealt with by the respondent No.2 under order dated 29th April, 1997, copy of which is placed on record at page 47 of the the petition. The case of the petitioners shall be considered within a period of six months from today. The rule is made absolute accordingly with no order as to costs.

(R.M.S.KHANDEPARKAR, J)

(SMT.R.S.DALVI, J)